

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) JESSICA GUIDICE, as Mother)
and Next Friend of "J.Y", a Minor, and)
(2) CASSIDY YANDELL, as Father)
and Next Friend of "J.Y", a Minor,)
Plaintiffs,)
v.)
(1) IDEA NUOVA, INC.,)
a New York Corporation,)
Defendant.)

CASE NO. 22-CV-267-GLJ
Complaint & Jury Demand

COMPLAINT

COME NOW the Plaintiffs, Jessica Guidice, Mother and Next Friend of Minor Child "J. Y." and Cassidy Yandell, Father and Next Friend of Minor Child "J.Y.", and for their cause of action against the above-styled Defendant, allege and state as follows:

PARTIES, JURISDICTION & VENUE

1. As of the date of the filing of Plaintiffs' Complaint, Plaintiffs and the minor they are suing on behalf of, are residents and citizens of the State of Oklahoma.
2. That at all times hereinafter mentioned, Defendant Idea Nuova, Inc. is a New York corporation, organized and existing under and by virtue of the laws of the State of New York, with its principal place of business located in the State of New York.
3. That the event that is the subject of this litigation occurred in Gore, Oklahoma.

4. That this court has jurisdiction of this case based on the provisions of 28 U.S.C.A. §1332 in that there is complete diversity of Plaintiffs and Defendant and the amount sought by the Plaintiffs is in excess of \$75,000.00.

FACTS

5. On April 24, 2020, J. Y., who was two (2) years old at the time, was playing with his brother, enjoying the *Toy Story 2* folding table when the toddler fell against the legs of the table, and the crossbar connecting the two folding legs of the table broke away from one of the legs, freeing the end of the metal bar that penetrated minor J.Y.'s left eye.
6. The *Toy Story 2* folding table that caused injury to minor J.Y.'s left eye was:
 - (i) Designed by Defendant Idea Nuova, Inc.;
 - (ii) manufactured by Defendant Idea Nuova, Inc.;
 - (iii) marketed by Defendant Idea Nuova, Inc.;
 - (iv) placed into the stream of commerce by Defendant Idea Nuova, Inc.
7. The Plaintiffs allege that Defendant Idea Nuova, Inc. breached the following duties and committed the *following negligent and improper acts and omissions* that violated the usual and customary procedures generally recognized and accepted in Defendant's industry as follows:
 - (i) The Defendant Idea Nuova, Inc. designed, manufactured, marketed, transported, distributed, and otherwise placed into the stream of commerce the *Toy Story 2* folding table at issue in this lawsuit;

- (ii) The Defendant Idea Nuova, Inc. breached its implied warranty of fitness and its implied warranty of merchantability;
- (iii) The *Toy Story 2* folding table in question was defective in its condition, design and/or manufacture when placed in the stream of commerce by Defendant Idea Nuova, Inc., in that its design and intended operation made the folding table unreasonably unsafe;
- (iv) The Defendant Idea Nuova Inc.'s *Toy Story 2* folding table was of shoddy and negligent construction, using cheap, weak, thin-walled tubing in its manufacture. Additionally, there were poor quality welds that exhibited defects of structure and strength that contributed to the poor quality of the product. Further, the strength of the connection between the crossbar and the leg table was a compromised by the small size of one of the weld deposits and the small area of fusion that was accomplished at that location. The strength of the connection between the crossbar and legs was further and severely compromised by the failure of the other weld to penetrate and fuse to the table leg. The lack of a joint at that location, together with the small area of fusion that was accomplished at the other weld, combined to produce a joint between the crossbar and leg that separated during the ordinary course of child's play.
- (v) The Defendant Idea Nuova, Inc. violated generally recognized and accepted industry standards in the design and/or manufacture of the *Toy Story 2* folding table.

- (vi) The Defendant Idea Nuova, Inc. gave no warning, or inadequate warning, concerning the risk of injury associated with the flimsy and defectively manufactured *Toy Story 2* folding table.
- (vii) The Defendant Idea Nuova, Inc. failed to exercise its post-sale duties by failing to warn of the above-stated dangers.
- (viii) The Defendant Idea Nuova Inc.'s *Toy Story 2* folding table was unreasonably dangerous beyond the contemplation of the ordinary consumer.
- (ix) That Defendant Idea Nuova's Inc.'s *Toy Story 2* folding table was defective in its design and manufacture.
- (x) That to the extent Defendant Idea Nuova, Inc. claims there was misuse of its *Toy Story 2* folding table, which is specifically denied by Plaintiff, said actions were foreseeable by Defendant Idea Nuova, Inc.

ACTUAL DAMAGES & PUNITIVE DAMAGES

- (8) Defendant Idea Nuova, Inc.'s negligent acts and omissions caused minor child J.Y. the loss vision in his left eye and damage to the eyeball to the extent that he now has a prosthetic left eye.
- (9) Plaintiffs seek damages for the personal injury to minor child J.Y. for medical expenses, past and future; economic damages, past and future; pain and suffering; permanent impairment; and permanent disfigurement; and other damages to be set forth at the conclusion of discovery, the aggregate for which is in excess of \$75,000.00.

(10) The Defendant Idea Nuova's conduct was in reckless disregard to the rights and safety of Minor Child, "J. Y." Said conduct was grossly unreasonable and willful under the circumstances, causing injuries to "J.Y." and Plaintiffs seek punitive damages against Defendant Idea Nuova, Inc. in excess of \$75,000.00.

WHEREFORE, the Plaintiffs Jessica Guidice, as Mother and Next Friend of Minor Child "J. Y." and Cassidy Yandell, as Father and Next Friend of Minor Child "J.Y." pray for judgment against the Defendant, Idea Nuova, Inc., for actual damages in an amount in excess of \$75,000.00 and for punitive damages in an amount in excess of \$75,000.00, attorney's fees, costs, interest, and any other such relief as the Court shall deem equitable and proper.

Jury Trial Demanded
Attorney Lien Claimed

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